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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RUBEN JUAREZ, an individual and
ISELA HERNANDEZ, an individual

Plaintiffs,

v.

PRECISION VALVE & AUTOMATION,
Inc., a corporation and DOES 1-20

Defendants.

Case No.: 2:17-cv-03342

**OBJECTION TO EVIDENCE
SUBMITTED IN SUPPORT OF
PRECISION VALVE &
AUTOMATION INC.'S MOTION FOR
SUMMARY JUDGMENT**

Date: October 1, 2018

Time: 1:30 p.m.

Ctrm: 5D, 5th Floor

Judge: Hon. Otis D. Wright II

1 Plaintiffs hereby object to the following evidence presented by the moving party
2 in connection with the motion for summary judgment set for hearing on October 1,
3 2018 before this Court:

4 (1) Declaration of David Hwang in its entirety.

5 The evidence is objected to on the grounds it is inadmissible as declarant lack
6 personal knowledge (Evid. Code § 702) , the declaration lacks foundation (Evid. Code
7 § 403), violates the best evidence rule (Evid. Code §1520), calls for speculation (Evid.
8 Code § 702), and is an opinion pursuant to FRE 701 and 702. As such, this declaration
9 is in violation of FRE 56c(4) and should be excluded in its entirety.

10 (2) Declaration of Lynette Dhillon in its entirety.

11 The evidence is objected to on the grounds it is inadmissible as declarant lack
12 personal knowledge (Evid. Code § 702), the declaration lacks foundation (Evid. Code §
13 403), violates the best evidence rule (Evid. Code §1520), calls for speculation (Evid.
14 Code § 702), and is an opinion pursuant to FRE 701 and 702. As such, this declaration
15 is in violation of FRE 56c(4) and should be excluded in its entirety.

16 (3) Declaration of Duc Q. Phan.

17 The evidence is objected to on the grounds it is inadmissible as declarant lack
18 personal knowledge (Evid. Code § 702) , the declaration lacks foundation (Evid. Code
19 § 403), violates the best evidence rule (Evid. Code §1520), calls for speculation (Evid.
20 Code § 702), and is an opinion pursuant to FRE 701 and 702. As such, this declaration
21 is in violation of FRE 56c(4) and should be excluded in its entirety.

22 (4) Declaration of Gregory E. Maxwell

23 The evidence is objected to on the grounds it is inadmissible as declarant lack
24 personal knowledge (Evid. Code § 702) , the declaration lacks foundation (Evid. Code
25 § 403), violates the best evidence rule (Evid. Code §1520), calls for speculation (Evid.
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1 Code § 702), and is an opinion pursuant to FRE 701 and 702. As such, this declaration
2 is in violation of FRE 56c(4) and should be excluded in its entirety.

3 (5) Declaration of Jonathan Urquhart.

4 The evidence is objected to on the grounds it is inadmissible as declarant lack
5 personal knowledge (Evid. Code § 702) , the declaration lacks foundation (Evid. Code
6 § 403), violates the best evidence rule (Evid. Code §1520), calls for speculation (Evid.
7 Code § 702), and is an opinion pursuant to FRE 701 and 702. As such, this declaration
8 is in violation of FRE 56c(4) and should be excluded in its entirety.

9 (6) Separate Statement Paragraphs 38, 50: Isaac Regev February 3, 2015 Report
10 including the “History Section” because this is not a narrative of the party.

11 The evidence is objected to on the grounds it calls for speculation (Evid §702),
12 constitutes inadmissible hearsay (FRE 801, 802), and lacks foundation (FRE 901).

13 (7) Separate Statement Paragraph 39: Dr. Windman’s Report.

14 This statement is vague and ambiguous as to time. The evidence is further
15 objected to on the grounds it calls for speculation (Evid §702), constitutes inadmissible
16 hearsay (FRE 801, 802), and lacks foundation (FRE 901).

17 (8) Separate Statement Paragraph 43: “As far as he knew, Space X never
18 addressed any of his concerns.

19 Objection to the extent this reference is vague, ambiguous, misleading, and calls
20 for speculation (Evid. § 702).
21

22 (9) Separate Statement Paragraph 46: “On a medical-intake form, he stated that
23 he worked with the Arathane and Humiseal products for 4-5 hours every day, which
24 caused headaches, dizziness, nausea, eye irritation and tiredness.”

25 Objection as this statement is vague and ambiguous as to time.
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1 (10) Separate Statement Paragraph 48: Due to his illness and surgery, Ruben
2 Juarez missed 33.6 weeks of work in 2013 and did not return to work after taking a
3 third medical leave on March 26, 2014.

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5 Objection the declaration Ms. Dhillon is not a doctor and does not have personal
6 knowledge of the reasons Mr. Juarez missed work in 2013.

7 (11) Separate Statement Paragraph 58: These MSDS sheets were then provided
8 to Ruben Juarez's workers' compensation attorneys.

9
10 Objection as this statement is vague as to time and speculative (Evid. § 702).

11 (12) Separate Statement Paragraph 60: Plaintiffs allege that it was not until then
12 that Juarez "first suspected that the PVA 350 might have caused his injuries."

13 Objection vague and ambiguous and thus calls for speculation (Evid. § 702).. as
14 to time including "it" and "then."

15 (13) Separate Statement Paragraph 62: The MSDS sheets for all chemicals used
16 in the conformal coating rooms, including Humiseal and Arathane, were accessible on
17 the computer Juarez used at his workstation and in a three-ring binder kept 3-4 feet
18 from the PVA 350.

19 Objection to the extent the declarants do not have personal knowledge of the
20 alleged facts stated in the declarations.

21 (14) Separate Statement Paragraph 63: SpaceX complied with its own internal
22 rules which required MSDS sheets to "be readily accessible to employees in their work
23 area during all work shifts."

24 Objection to the extent the declarants do not have personal knowledge of the
25 alleged facts stated in the declarations. (Evid. Code § 702)

1 (15) Separate Statement Paragraph 64: The MSDS sheets were also accessible on
2 at least 14 to 18 different computers located inside and outside the conformal coating
3 rooms where Mr. Juarez worked.

4 Objection to the extent the declarant do not have personal knowledge of the
5 alleged facts stated in the declarations. (Evid. Code § 702)

6 (16) Separate Statement Paragraph 65: Juarez consulted the MSDS sheets for
7 Humiseal and Arathane to create experimental and test batches of these materials when
8 SpaceX created the formula it started using in PVA's machine in 2012.

9 Objection to the extent the declarants do not have personal knowledge of the
10 alleged facts stated in the declarations. (Evid. Code § 702)

11 (17) Separate Statement Paragraph 65: Juarez consulted the MSDS sheets for
12 Humiseal and Arathane to create experimental and test batches of these materials when
13 SpaceX created the formula it started using in PVA's machine in 2012.

14 Objection to the extent the declarants do not have personal knowledge of the
15 alleged facts stated in the declarations. (Evid. Code § 702)

16 (18) Separate Statement Paragraph 77: Plaintiff Juarez asserted legal objections
17 to the above interrogatories based on the attorney-client privilege and work product
18 doctrine, but the only evidence withheld on this or any other ground was plaintiffs'
19 attorney's personal "notes from speaking with the clients and witnesses."

20 Objection as to relevance and call for the attorney client privilege.

21 (19) Separate Statement Paragraph 80: Other than undisclosed communications
22 with his attorneys, Juarez testified at his deposition that he had no information to
23 explain why he waited until February 27, 2017 to file his lawsuit in this case.

24 Objection to the extent this called for a legal conclusion and was vague and
25 ambiguous. Further, Plaintiffs object to the term "undisclosed" as vague and
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1 ambiguous as Juarez has an attorney client privilege not to disclose comments with his
2 attorney.

3
4 (20) Plaintiffs object to Exhibit 30 and 41 as Defendant fails to attach the
5 requisite authentications.

6 Objection. The workers' compensation deposition transcripts cited by the
7 Defendant do not have the requisite authentications—the court reporter's certification is
8 missing. (*Orr v. Bank of America*, NT & SA 285 F.3d at 774.). The *Orr* case made it
9 clear that an attorney cannot authenticate the transcript, even if the attorney attended
10 the deposition.

11 (21) Plaintiffs object to the Space X documents 66, 67, 68, and 69.

12 Objection. These documents constitute hearsay (FRE 801, 802), no proper
13 foundations are laid for the business record exceptions or any other exception, and
14 lacks foundation (FRE 901).

15 (22) Plaintiffs object to the PVA documents relied upon by PVA Inc. including
16 75-79 .

17 Objection. These documents constitute hearsay (FRE 801, 802), no proper
18 foundations are laid for the business record exceptions or any other exception, and
19 lacks foundation (FRE 901).

20 Plaintiffs will respectfully request the court at the hearing on the motion to
21 sustain the above objections and to strike evidence referred to above.

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2 DATED: SEPTEMBER 10, 2018

BALABAN & SPIELBERGER, LLP

3
4 /s/ Vanessa L. Loftus-Brewer

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